

Notice of Allowability

Application No.

10/770,736

Examiner

William Bangachon

Applicant(s)

BAUMGARDNER ET AL.

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application 2/3/2004.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/4/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with Mr. Timothy A. Flory on 29 September 2005.

The application has been amended as follows:

PLEASE CANCEL CLAIMS 32 TO 45. AMEND CLAIMS 1 AND 19.

1. A vehicle-based door opening system for opening a door at a building, the door being openable by a door opening device that is operable in response to a domestic hand held door opener transmitting unit associated with the door opening device, said vehicle-based door opening system comprising:

a vehicle-based transmitting unit positioned at the vehicle and operable to transmit a first signal in response to a user input;

a control positioned at the vehicle, said control being operable to activate a door locking mechanism of the vehicle in response to said first signal to lock and unlock the vehicle doors; and

an actuating device positioned at the building and having a receiver for receiving said first signal from said vehicle-based transmitting unit, said actuating device is configured to receive a domestic hand held door opener transmitting unit and being operable to mechanically actuate the domestic hand held door opener transmitting unit in response to said receiver receiving said first signal, the domestic hand held door opener transmitting unit being operable to transmit a second signal when actuated, the second signal being received by the door opening device to open or close the door, said second signal being inoperable to lock and unlock the vehicle doors.

19. A vehicle-based door opening system for opening a door at a building, the door being openable by a door opening device, which is operable in response to a domestic hand held garage door opener transmitting unit associated with the door opening device, said vehicle-based door opening system comprising:

a vehicle-based transmitting unit positionable at the vehicle and operable to transmit a first signal, said vehicle-based transmitting unit being operable to transmit said first signal to control at least one vehicle-based accessory, said at least one vehicle-based accessory comprising at least one of a vehicle door locking mechanism, a truck release mechanism, a vehicle ignition and an illumination source of the vehicle; and

an actuating device positionable at or near the door opening device and operable to receive said first signal from said vehicle-based transmitting unit, said actuating device being configured to receive the domestic hand held garage door opener

Art Unit: 2635

transmitting unit associated with the door opening device and being operable to mechanically actuate the domestic hand held garage door opener transmitting unit in response to said first signal from said vehicle-based transmitting unit, the domestic hand held garage door opener transmitting unit transmitting a second signal in response to actuation of the domestic hand held garage door opener transmitting unit by said actuating device to actuate the door opening device to open or close the door, said second signal being inoperable to control said at least one vehicle-based accessory.

Response to Amendment

2. The amendment distinguishes over the cited prior art and has placed the application in condition for allowance.

Allowable Subject Matter

3. The following is an Examiner's statement of reasons for allowance:

The cited prior art below do not disclose **a vehicle remote control for transmitting vehicle door locking and unlocking signal (claimed first signal) to lock and unlock vehicle doors and for opening a garage door, via an actuating device, as shown in Figure 1. The actuating device has a receiver for receiving said vehicle door locking and unlocking signal (first signal).** The actuating device is configured to hold a domestic hand held garage door opener transmitting unit having a pushbutton for sending a garage door open and close signal (claimed second signal) as shown in Figure 2. The actuating device is responsive to a received **said vehicle door**

locking and unlocking signal (claimed first signal) for mechanically actuating said pushbutton of said domestic hand held garage door opener, to send the garage door open and close signal (claimed second signal) and open or close the garage door (see specification, page 6, lines 9-29). The garage door open and close signal (claimed second signal) is inoperable to lock and unlock vehicle doors. See page 4 of the specification, lines 5-26.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPAP 2003/0112121 A1 (Wilson) is cited in that it teaches of a control module adapted to receive a wireless garage door transmitter including a garage door transmitter actuator {see whole document}. The control module includes a controller, a garage door transmitter actuator, and a receiver. Upon receipt of a wireless signal from a vehicle transmitter, the controller would control the actuator to activate the garage door transmitter so that the garage door transmitter would transmit a wireless garage door control signal for use in operating a garage door {Wilson, page 1, paragraph [0007]}. However, the system of Wilson does not disclose a vehicle remote control for

Art Unit: 2635

transmitting a vehicle door locking and unlocking signal to lock and unlock vehicle doors and operate a control module to mechanically actuate a garage door transmitting unit. Further, the system of Wilson teaches away from vehicle based trainable garage door transmitters {Wilson, paragraphs [0006], [0020]}.

USP 6,362,771 (Schofield et al) is cited in that it teaches of a vehicle-based garage door opener system wherein power from vehicle battery is used to actuate the garage door opener. However, Shofield et al do not disclose a vehicle remote control for transmitting a vehicle door locking and unlocking signal to lock and unlock vehicle doors and operate a control module to mechanically actuate a garage door transmitting unit.

USP 5,619,190 (Duckworth et al) is cited in that it teaches of an integrated trainable transmitter and vehicle operation control system for a vehicle but do not disclose the remote control system of the instant invention.

USP 6,333,698 (Roddy) and USP 6,525,645 (King et al) teach of a vehicle-based transmitter using universal repeaters for opening and closing garage doors but do not disclose an actuating device of the instant invention.

Office Contact Information

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to William Bangachon whose telephone number is **(571)-272-3065**. The Examiner can normally be reached on 4/4/10.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Michael Horabik can be reached on **(571)-272-3068**. The fax phone numbers for the organization where this application or proceeding is assigned is **571-273-8300** for regular and After Final formal communications. The Examiner's fax number is **(571)-273-3065** for informal communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



William L. Bangachon
Examiner
Art Unit 2635

September 29, 2005



BRIAN ZIMMERMAN
PRIMARY EXAMINER